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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 **JASON J. PAYNE,**

13 Petitioner,

14 v.

15 **JOE MCGRATH, Warden,**

16 Respondent.

C 07-4712 JSW (PR)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME**

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18 I, Catherine A. Rivlin, declare under penalty of perjury as follows:

19 I am the California Deputy Attorney General assigned to handle the above-encaptioned
20 case. I have obtained the appellate file and requested any additional state record, and have organized
21 the available materials for copying. I was the responsible deputy on the direct appeal and thus have
22 familiarity with the case, issues, and facts. However, the press of earlier assigned and emergency
23 reassignment cases has prevented my devoting substantial attention to this case to date. In the most
24 recent 30 days, I have completed a writ opposition in *In re Barnhard*, A120652: the respondent's
25 briefs in *People v. Burch*, A11773, and *People v. Peterson*, A118670; and a motion to dismiss in
26 *Fitzhugh v. Marshall*, C 07-01091 RMW. I am currently working on two earlier-assigned cases of
27 my own (*Joseph v. Curry*, 07-15224, and *People v. Parker*, A117498) and three substantial cases
28 which are heavily extended, and which came to me last week when a colleague I supervise had to

1 take an emergency leave: *People v. Winters*, A116052; *People v. Brockman*, A115903; and *In re*
2 *Brown*, A120985. I have not attempted to contact petitioner, who is representing himself in this
3 proceeding, because he is incarcerated in state prison and cannot be conveniently reached.

4 I declare under penalty of perjury of the laws of the State of California and the United
5 States of America that the foregoing is true and correct. Executed at San Francisco, California on
6 March 31, 2008.

7
8 Respectfully submitted,

9 EDMUND G. BROWN JR.
Attorney General of the State of California

10 DANE R. GILLETTE
Chief Assistant Attorney General

11 GERALD A. ENGLER
Senior Assistant Attorney General

12 PEGGY S. RUFFRA
Supervising Deputy Attorney General

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14
15 /s/ Catherine A. Rivlin

16 _____
CATHERINE A. RIVLIN
17 Supervising Deputy Attorney General
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Jason J. Payne v. Joe McGrath, Warden*

No.: **C 07-4712 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 1, 2008, I served the attached:

- 1. APPLICATION FOR ENLARGEMENT OF TIME TO
FILE ANSWER OR RESPONSIVE MOTION;**
- 2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason J. Payne
SPN# V-26575
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531-7000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 1, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature